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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/983,090	10/23/2001	Yutaka Kitamura	Q66650	9148

7590 12/14/2004  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

MCANULTY, TIMOTHY P

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/983,090

Applicant(s)

KITAMURA ET AL.

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,11 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) 5,7 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,6,9,11,15-18 and 21-28 is/are allowed.
- 6) ☐ Claim(s) 2,12,13,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/29/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 29 November 2004 contains reference US Patent No. 4,478,595 to Hayakawa et al., which was previously considered and cited in form PTO-892 as part of Paper No. 5, mailed 22 April 2003. Accordingly, US Patent No. 4,478,595 to Hayakawa et al. has been lined through on the IDS filed 29 November 2004.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2,12,13,19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The recitation of "an ordinary tension" in line 16 of claim 2 renders the claim indefinite. The term "ordinary tension" is a relative term it is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. the degree of belt tension after the engine has been started is indefinite.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2,12,13,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayakawa et al. in view of Bartos et al.

Hayakawa et al. discloses in figures 2 and 3, a belt transmission apparatus comprising a rotating electric machine pulley 5; an engine pulley 4; an auxiliary pulley 8; a belt tension adjuster 1 having a pulley unit 20 and an automatic belt tensioner.

Hayakawa et al. discloses the basic apparatus as previously cited but does not disclose said electric machine pulley being a starter. However, Bartos et al. discloses an automatic belt tensioner providing tension to a belt at first and second locations on either side of a combined starter generator mounted on a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hayakawa et al. in view of the teachings of Bartos et al. to include a starter generator as said rotating electric machine pulley and provide tension to said belt at locations on either side of said rotating electric machine so as to provide a single rotating electric machine pulley coupled to a combined starter generator within said belt transmission apparatus to eliminate the need for two components.

Said automatic belt tensioner inherently adjusts the tension of the belt to be greater when said engine is started by said rotating electric machine than when said accessory pulley is driven after said engine is started since said automatic belt tensioner automatically adjusts tension in said belt, especially when a starting torque applied to said belt is greater than a driving torque applied to said belt.

Said automatic belt tensioner inherently changes the belt tension from a belt tension during starting to a belt tension after starting (during operation).

***Allowable Subject Matter***

7. Claims 4,6,9,11, 15-18, and 21-28 are allowed.

*Response to Arguments*

Applicant's arguments filed 29 November 2004 have been fully considered but they are not persuasive. The tensioner of Bartos et al. provides tension to the belt by way of spring force. Said spring force biases a respective pulley into engagement with a respective first or second belt location. The belt tension is a balance between the slackness of the belt (due to torque) and the spring force. Accordingly, when the belt torque changes from a starting mode to a generating mode, the belt tension inherently changes. As such, the reference combination set forth above suggests all of the features claimed invention.

*Conclusion*

8. This is a Requested Continued Examination of applicant's earlier Application No. 09/983,090. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,

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event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
tpm

  
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